

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 1039

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Edward C. Sandoval

AN ACT

RELATING TO ELECTIONS; ALLOWING A MAJOR POLITICAL PARTY TO
SELECT DELEGATES TO ITS NATIONAL CONVENTION BY PARTY-
ESTABLISHED PROCEDURES OR BY PRESIDENTIAL PRIMARY; AMENDING AND
ENACTING SECTIONS OF THE ELECTION CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 1-8-1 NMSA 1978 (being Laws 1969,
Chapter 240, Section 151, as amended) is amended to read:

"1-8-1. NOMINATING PROCEDURES--MAJOR POLITICAL PARTIES--
MINOR POLITICAL PARTIES. --

A. Any major political party in New Mexico, as
defined in Section [~~3-1-8 NMSA 1953~~] 1-1-9 NMSA 1978, shall
nominate its candidates, other than its presidential
candidates, by secret ballot at the next succeeding primary
election as prescribed in the Primary Election Law.

underscoring material = new
[bracketed material] = deleted

underscored material = new
[bracketed material] = delete

1 B. Any minor political party in New Mexico, as
2 defined in Section [~~3-1-8 NMSA 1953~~] 1-1-9 NMSA 1978, shall
3 nominate candidates for public office in the manner prescribed
4 in its party rules and regulations and according to the
5 provisions of the Election Code. "

6 Section 2. Section 1-8-54 NMSA 1978 (being Laws 1977,
7 Chapter 230, Section 2) is amended to read:

8 "1-8-54. PRESIDENTIAL PRIMARY--DATE OF ELECTION.--In the
9 year in which the president and vice president of the United
10 States are to be elected, the registered voters of this state
11 shall be given an opportunity to express their preference for
12 the person to be the presidential candidate of their party in
13 either a presidential primary election or in accordance with
14 the selection procedure for presidential candidates of each
15 voter's party. The presidential primary election shall be held
16 on the same date as the primary election is held in this
17 state. "

18 Section 3. A new section of the Election Code is enacted
19 to read:

20 "[NEW MATERIAL] SELECTION OF NATIONAL CONVENTION DELEGATES
21 BY MAJOR POLITICAL PARTIES--CERTIFICATION.--

22 A. If a major political party chooses not to
23 participate in the presidential primary, it shall notify the
24 secretary of state at least thirty days before the governor is
25 required to issue the proclamation of the primary election.

underscored material = new
[bracketed material] = delete

1 B. The state chairman of a major political party
2 that does not participate in the presidential primary shall
3 certify to the secretary of state the names of the state
4 party's delegates to the party's national convention and those
5 delegates shall file a declaration of acceptance in accordance
6 with Section 1-8-61 NMSA 1978. "

7 Section 4. Section 1-8-61 NMSA 1978 (being Laws 1977,
8 Chapter 230, Section 9, as amended by Laws 1980, Chapter 13,
9 Section 5 and also by Laws 1980, Chapter 43, Section 5) is
10 amended to read:

11 "1-8-61. DELEGATE PLEDGE. --

12 A. No person selected as a delegate or alternate
13 shall qualify to attend the national convention of his
14 political party unless he files with the state chairman of his
15 political party at least fifteen days prior to the convening of
16 the applicable national party convention a written declaration
17 of acceptance, signed by himself, in the form herein prescribed
18 and the state chairman deposits this declaration of acceptance
19 in the office of the secretary of state no later than ten days
20 before convening of the applicable national convention.

21 B. The declaration of acceptance shall be in the
22 form of an affidavit and shall contain the following
23 information:

24 (1) the name, residence and post office
25 address of the delegate or alternate delegate;

. 145626. 2GR

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(2) a statement that he is a registered voter in New Mexico affiliated with the political party for which he is a delegate or alternate and that he was a registered voter and affiliated with ~~[such]~~ that party ~~[forty two days prior to the presidential primary election held]~~ on the day of the governor's primary election proclamation in the year in which he is a delegate to the national convention;

(3) a statement that he accepts his selection as a delegate or alternate to the national convention; and

(4) if delegates are pledged to specific candidates for the office of president, a pledge in the following form:

"As a delegate to the ~~[19_____]~~ 20_____ national convention of _____ party, I pledge myself to vote on the first ballot for the nomination of president by the _____ party as required by Section 1-8-60 NMSA 1978. "

C. Any delegate representing the uncommitted category may vote for any candidate at the national convention or remain uncommitted. "